



DEPARTMENT OF ENERGY  
Federal Energy Regulatory Commission

[Project No. 2570-034]

Eagle Creek Racine Hydro, LLC; Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. Type of Application: New Major License
- b. Project No.: 2570-034
- c. Date filed: November 30, 2021
- d. Applicant: Eagle Creek Racine Hydro, LLC (Eagle Creek)
- e. Name of Project: Racine Hydroelectric Project (Racine Project)
- f. Location: The Racine Project is located at the U.S. Army Corps of Engineers' (Corps) Racine Locks and Dam on the Ohio River near the Town of Racine in Meigs County, Ohio. The project occupies 27.99 acres of federal land administered by the Corps.
- g. Filed Pursuant to: Federal Power Act 16 U.S.C. §§ 791(a) - 825(r).
- h. Applicant Contact: Joyce Foster, Director, Licensing and Compliance; [joyce.foster@eaglecreekre.com](mailto:joyce.foster@eaglecreekre.com) or (804) 338-5110.
- i. FERC Contact: Jay Summers at [jay.summers@ferc.gov](mailto:jay.summers@ferc.gov) or (202) 502-8764.
- j. Deadline for filing comments, recommendations, terms and conditions, and prescriptions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FEROnlineSupport@ferc.gov](mailto:FEROnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper request.

Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-2570-034.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

The Council on Environmental Quality (CEQ) issued a final rule on April 20, 2022, revising the regulations under 40 CFR Parts 1502, 1507, and 1508 that federal agencies use to implement the National Environmental Policy Act (NEPA) (see National Environmental Policy Act Implementing Regulations Revisions, 87 Fed. Reg. 23,453-70). The final rule became effective on May 20, 2022. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations.

1. The Racine Project would use the Corps' existing Racine Locks and Dam and consist of the following existing facilities: (1) four 21.75-foot-wide by 60-foot-high intake openings equipped with steel trashracks having a clear bar spacing of 5.5 inches; (2) a reinforced concrete powerhouse located on the east end of the dam containing two horizontal bulb generating units with a combined capacity of 47.5 megawatts; (3) a 155-foot-long, non-overflow section of sheet pile cells located between the powerhouse and the right abutment; (4) a stand-alone functional replacement dam located upstream of the sheet pile cells that consists of a drilled shaft supported concrete dam with a drilled secant pile seepage control; (5) a 834-foot-long, 69-kilovolt transmission line; and (6) appurtenant facilities.

The Racine Project is currently operated in a run-of-release mode using surplus water from the Corps' Racine Locks and Dam, as directed by the Corps, and has an estimated average annual energy production of 90,364 megawatt-hours. Eagle Creek does not propose any new construction and proposes to continue operating the project in a run-of-release mode.

m. A copy of the application can be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC at [FERCOnlineSupport@ferc](mailto:FERCOnlineSupport@ferc) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS", "REPLY COMMENTS," "RECOMMENDATIONS," "PRELIMINARY TERMS AND CONDITIONS," or "PRELIMINARY FISHWAY PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. The license applicant must file no later than 60 days following the date of issuance of this notice: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification. Please note that the certification request must comply with 40 CFR 121.5(b), including documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request. Please note that the certification request must be sent to the certifying authority and to the Commission concurrently.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. Procedural schedule: The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone

Deadline for Filing Protest, Motion to Intervene,  
Comments, Recommendations,  
Preliminary Terms and Conditions,  
and Preliminary Fishway Prescriptions

Target Date

December 2022

Deadline for Filing Reply Comments

February 2023

Dated: November 1, 2022.

Debbie-Anne A. Reese,  
Deputy Secretary.

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